

Amendment

Reply to Final Office Action dated March 25, 2008

Page 5 of 7

**REMARKS**

The foregoing amendments and these remarks are in response to the Final Office Action dated March 25, 2008. Applicant hereby requests a two month Extension of Time. The Commissioner is hereby authorized to charge the necessary fees to Deposit Account No. 50-0951.

At the time of the Office Action, claims 1-4, 6, 7 and 12-21 were pending. In the Office Action, marked-up copies of the drawings were required. Objections were raised to claims 7 and 21. Claims 3, 4 and 13 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-4, 6, 7, 12-19 and 21 were rejected under 35 U.S.C. §102(b). Claim 20 was rejected under 35 U.S.C. §103(a). The objections and rejections are discussed in more detail below.

**I. Objections to the Drawings**

In the Office Action, the Examiner has required that annotated drawings sheets be submitted which show the changes made to the previous version of the drawings. Appropriately annotated sheets are duly submitted herewith, and a description of the amendments is included the amendment to drawings section of the present response. Additional replacement sheets are not enclosed, as they were included with the response to the previous Office Action.

Withdrawal of the objection is thus respectfully requested.

**II. Claim Rejections under 35 U.S.C. §112**

Claims 3, 4 and 13 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention. Applicant has cancelled claims 3 and 4 and amended claim 13 in a manner believed to overcome the rejections. Withdrawal of the rejection is thus respectfully requested.

**III. Claim Objections**

In the Office Action, claims 7 and 21 were objected to for an informality. Appropriate corrections are made herein, and withdrawal of the objection is thus respectfully requested.

**IV. Rejections to the claims based upon Art**

Claims 1-4, 6, 7, 12-19 and 21 were rejected under 35 U.S.C. §102(b) as being anticipated

Amendment

Reply to Final Office Action dated March 25, 2008

Page 6 of 7

by U.S. Patent No. 5,662,473 to Rassoli et al. (hereafter "*Rassoli*"). Claim 20 was rejected under 35 U.S.C. §103(a) as being unpatentable over *Rassoli*. These rejections are respectfully traversed.

The solution provided by *Rassoli* is aimed to solve the "problem of implant-body misalignment" in "where multiple implant-bodies are installed" see column 2, lines 28-33 by creating customized post or abutments using "tapered conical form" around the upper (second) axis and a cylindrical flange, see column 4, lines 12-17. The result of this is a tapered post sticking out at an angle from the base.

The tapered post of *Rassoli* is not anatomically resemblant to a natural tooth nor are such shapes proposed by *Rassoli*. In order to resemble a tooth, there must be an anatomical margin, not just a tapered and/or cylindrical post. Some of the tooth shapes included in the claims also require shaping to the tooth body. The margins should have non-cylindrical shapes depending on what tooth position the coping is designed to mimic. None of these features, which are required in order to have an anatomically resemblant shape have been disclosed or suggested in the *Rassoli* prior art. The margins of *Rassoli* are formed by the circular mounting flange 40, which has a tapered outer surface 42 to align with the tapered surface 24 of the base 10. Thus, these pieces form a tapered, conical shape, which is symmetrical about the central axis 43. The different patterns that are proposed in *Rassoli* differ only in relation to the different degrees between the two axes 43 and 45 – see column 4, lines 33-37, not in the shape of the conical post. In addition the solution provided by *Rassoli* cannot work without introducing at least different heights of the margin (tapered outer surface 42 – see column 4, line 13) and any change in the heights of the outer surface 42 is not referred to. Hence, the *Rassoli* pattern is not anatomical including an incisor.

The outcome is that an anatomical outer shape needs to be constructed and integrated in the restorative prosthesis before the prosthesis can be completed and installed – see column 5, lines 31-34 following use of the *Rassoli* system. Indeed, *Rassoli* is specifically intended to be used to create a cast custom abutment, and so the technician is expected to machine or add wax or plastic to achieve the necessary anatomical shape. This requires much more work than the solution defined in the present claims where the misalignment and anatomical shapes are solved by the different patterns that are provided, and no further shaping is necessary, although the coping can be individually milled and trimmed if desired.

Thus, based on the foregoing, it is clear that *Rassoli* describes a solution to create customized abutments but which are not provided with any anatomically resemblant shapes but

Amendment

Reply to Final Office Action dated March 25, 2008

Page 7 of 7

instead with different angulations, with subsequent extra work being required to create the anatomical form of the restorative prosthesis. To the contrary, the presently claimed abutment coping and prosthetic assembly describe a solution to provide a final customized abutment with all anatomical shapes integrated from an abutment and anatomical copings.

For at least these reasons, the independent claims are believed to be patentable. Also, the dependent claims are believed to be patentable due to their dependence on an allowable base claim and because of the further features recited therein.

**V. Conclusion**

Applicant has made every effort to present claims which distinguish over the prior art, and it is thus believed that all claims are in condition for allowance. Nevertheless, Applicant invites the Examiner to call the undersigned if it is believed that a telephonic interview would expedite the prosecution of the application to an allowance. In view of the foregoing remarks, Applicant respectfully requests reconsideration and prompt allowance of the pending claims.

Respectfully submitted,



Mark D. Passler  
Registration No. 40,764  
Sarah E. Smith  
Registration No. 50,488  
**AKERMAN SENTERFITT**  
Post Office Box 3188  
West Palm Beach, FL 33402-3188  
Telephone: (561) 653-5000

Date: 8/25/08